

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

CHARLES LEE BRADLEY

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6:08-cv-430

v.

DAN HUDSON, NUBANK,
STARTABANK.COM, and
BANKNBOX.COM

ORDER DISMISSING MOTION FOR CONTEMPT WITHOUT PREJUDICE

This is a business dispute between competitors who are in the business of raising capital for new banks. Plaintiff alleged that Defendants violated the Lanham Act by sending false and misleading misrepresentations e-mails to individuals in the banking community. Plaintiff, the Court, and the magistrate judge who attempted to mediate the case took several measures to allow Defendants the opportunity to appear and participate in this case. Despite these measures, Defendants did not appear and defend the case, and the Court issued a default judgement on September 10, 2010. The judgment awarded Plaintiff damages and imposed a permanent injunction against similar actions in violation of the Lanham Act by Defendants. Defendant Hudson was served with a copy of the injunction.

On January 27, 2012, Plaintiff filed a Motion for Order to Show Cause Why Defendant Dan Hudson Should Not Be Held In Contempt (Doc. No. 40). In the motion, Plaintiffs alleged that Defendant Hudson is violating the injunction. The Court set a show cause hearing for April 3, 2012, then reset the hearing for June 6, 2012 to allow additional time for Plaintiffs to serve Defendant Hudson. The Court convened for the June 6, 2012 hearing, but Defendant Hudson did not appear.

The Court issued an Order of Attachment for Contempt, for Hudson's failure to appear at the hearing. On July 12, 2012, the warrant was returned unexecuted by the U.S. Marshal Service. The Marshal Service indicated that it needed additional information about Defendant Hudson so he could be located. In the two-and-a-half months, the record does not show any further efforts by Plaintiffs to pursue their motion for contempt.

Accordingly, Plaintiff's Motion for Order to Show Cause Why Defendant Dan Hudson Should Not Be Held In Contempt (Doc. No. 40) is DENIED without prejudice to refile.

It is SO ORDERED.

SIGNED this 28th day of September, 2012.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE